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JUN - 5 2008
RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE

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Fred W. Schwinn (SBN 225575)
fred.schwinn@sjconsumerlaw.com
Jovanna R. Longo (SBN 251491)
jovanna.longo@sjconsumerlaw.com
CONSUMER LAW CENTER, INC.
12 South First Street, Suite 1014
San Jose, California 95113-2418
Telephone Number: (408) 294-6100
Facsimile Number: (408) 294-6190

Attorney for Plaintiff
LENORA GERALDINE ARAGON

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

C08 02819 RS
Case No. _____

LENORA GERALDINE ARAGON,

Plaintiff,

v.

TATE & KIRLIN ASSOCIATES, INC., a
Pennsylvania corporation

Defendant.

COMPLAINT

DEMAND FOR JURY TRIAL

15 United States Code § 1692 *et seq.*
California Civil Code § 1788 *et seq.*

Plaintiff, LENORA GERALDINE ARAGON (hereinafter "Plaintiff"), based on information and belief and investigation of counsel, except for those allegations which pertain to the named Plaintiff or her attorneys (which are alleged on personal knowledge), hereby makes the following allegations:

I. INTRODUCTION

1. This is an action for statutory damages, attorney fees and costs brought by an individual consumer for Defendant's violations of the Fair Debt Collection Practices Act, 15 U.S.C. § 1692, *et seq.* (hereinafter "FDCPA"), and the Rosenthal Fair Debt Collection Practices Act, California Civil Code § 1788 *et seq.* (hereinafter "RFDCPA") which prohibit debt collectors from engaging in abusive, deceptive and unfair practices.

///

1 2. According to 15 U.S.C. § 1692:

- 2 a. There is abundant evidence of the use of abusive, deceptive, and unfair debt
3 collection practices by many debt collectors. Abusive debt collection practices
4 contribute to the number of personal bankruptcies, to marital instability, to the loss
5 of jobs, and to invasions of individual privacy.
- 6 b. Existing laws and procedures for redressing these injuries are inadequate to protect
7 consumers.
- 8 c. Means other than misrepresentation or other abusive debt collection practices are
9 available for the effective collection of debts.
- 10 d. Abusive debt collection practices are carried on to a substantial extent in interstate
11 commerce and through means and instrumentalities of such commerce. Even where
12 abusive debt collection practices are purely intrastate in character, they nevertheless
13 directly affect interstate commerce.
- 14 e. It is the purpose of this title to eliminate abusive debt collection practices by debt
15 collectors, to insure that those debt collectors who refrain from using abusive debt
16 collection practices are not competitively disadvantaged, and to promote consistent
17 State action to protect consumers against debt collection abuses.

18 **II. JURISDICTION**

19 3. Jurisdiction of this Court arises under 15 U.S.C. § 1692k(d), 28 U.S.C. §
20 1337, and supplemental jurisdiction exists for the state law claims pursuant to 28 U.S.C. § 1367.
21 Declaratory relief is available pursuant to 28 U.S.C. §§ 2201 and 2202.

22 4. This action arises out of Defendant's violations of the Fair Debt Collection
23 Practices Act, 15 U.S.C. § 1692 *et seq.* ("FDCPA") and the Rosenthal Fair Debt Collection Practices
24 Act, California Civil Code § 1788 *et seq.* ("RFDCPA").

25 **III. VENUE**

26 5. Venue in this judicial district is proper pursuant to 28 U.S.C. § 1391(b), in
27 that a substantial part of the events or omissions giving rise to the claim occurred in this judicial
28 district. Venue is also proper in this judicial district pursuant to 15 U.S.C. § 1692k(d), in that the

1 Defendants transact business in this judicial district and the violations of the FDCPA complained
2 of occurred in this judicial district.

3 **IV. INTRADISTRICT ASSIGNMENT**

4 6. This lawsuit should be assigned to the San Jose Division of this Court because
5 a substantial part of the events or omissions which gave rise to this lawsuit occurred in Santa Clara
6 County.

7 **V. PARTIES**

8 7. Plaintiff, LENORA GERALDINE ARAGON (hereinafter "Plaintiff"), is a
9 natural person residing in Santa Clara County, California. Plaintiff is a "consumer" within the
10 meaning of 15 U.S.C. § 1692a(3) and a "debtor" within the meaning of Cal. Civil Code § 1788.2(h).

11 8. Defendant, TATE & KIRLIN ASSOCIATES, INC., (hereinafter "T&K"), is
12 a Pennsylvania corporation engaged in the business of collecting debts in this state with its principal
13 place of business located at: 2810 Southampton Road, Philadelphia, Pennsylvania, 19154. T&K can
14 be served at the address of its Agent for Service of Process: TATE & KIRLIN ASSOCIATES, INC.,
15 c/o National Registered Agents, Inc., 2030 Main Street, Suite 1030, Irvine, California 92614. The
16 principal purpose of T&K is the collection of debts using the mails and telephone, and T&K
17 regularly attempts to collect debts alleged to be due another. T&K is a "debt collector" within the
18 meaning of 15 U.S.C. § 1692a(6) and Cal. Civil Code § 1788.2(c).

19 **VI. FACTUAL ALLEGATIONS**

20 9. On a date or dates unknown to Plaintiff, Plaintiff is alleged to have incurred
21 a financial obligation, namely an Cross Country Bank credit card account bearing account number
22 XXXX-XXXX-XXXX-6005 (hereinafter "the alleged debt"). The alleged debt was incurred
23 primarily for personal, family or household purposes and is therefore a "debt" as that term is defined
24 by 15 U.S.C. § 1692a(5) and a "consumer debt" as that term is defined by Cal. Civil Code §
25 1788.2(f).

26 10. Sometime thereafter on a date unknown to the Plaintiff, the alleged debt was
27 consigned, placed or otherwise transferred to Defendant for collection from the Plaintiff.

28 11. Thereafter, Defendant sent a collection letter (Exhibit "1") to Plaintiff which

1 is a "communication" in an attempt to collect a debt as that term is defined by 15 U.S.C. § 1692a(2).

2 12. A true and accurate copy of the collection letter from Defendant to Plaintiff
3 is attached hereto, marked Exhibit "1," and by this reference is incorporated herein.

4 13. The collection letter (Exhibit "1") is dated May 12, 2007.

5 14. On or about July 13, 2007, Plaintiff mailed a letter to Defendant which stated:
6 "please be advised that I dispute this debt and refuse to pay."

7 15. A true and accurate copy of the Plaintiff's letter disputing the alleged debt and
8 refusing to pay the alleged debt is attached hereto, marked Exhibit "2," and by this reference is
9 incorporated herein.

10 16. Defendant received Plaintiff's letter disputing the alleged debt and refusing
11 to pay the alleged debt (Exhibit "2") on or about July 19, 2007.

12 17. A true and accurate copy of the USPS Tracking Report and Certified Mail
13 Return Receipt evidencing Defendant's receipt of Plaintiff's letter disputing the alleged debt and
14 refusing to pay the alleged debt (Exhibit "2") is attached hereto, marked Exhibit "3," and by this
15 reference is incorporated herein.

16 18. After receiving Plaintiff's letter notifying Defendant of her refusal to pay the
17 alleged debt (Exhibit "2"), Defendant continued its collection efforts against the Plaintiff.

18 19. Defendant sent a second collection letter (Exhibit "4") to Plaintiff which is
19 a "communication" in an attempt to collect a debt as that term is defined by 15 U.S.C. § 1692a(2).

20 20. A true and accurate copy of the collection letter from Defendant to Plaintiff
21 is attached hereto, marked Exhibit "4," and by this reference is incorporated herein.

22 21. The collection letter (Exhibit "5") is dated August 22, 2007.

23 **VII. CLAIMS**

24 **FAIR DEBT COLLECTION PRACTICES ACT**

25 22. Plaintiff brings the first claim for relief against Defendant under the Federal
26 Fair Debt Collection Practices Act ("FDCPA"), 15 U.S.C. § 1692 *et seq.*

27 23. Plaintiff repeats, realleges, and incorporates by reference paragraphs 1
28 through 38 above.

1 24. Plaintiff is a “consumer” as that term is defined by the FDCPA, 15 U.S.C. §
2 1692a(3).

3 25. Defendant, T&K, is a “debt collector” as that term is defined by the FDCPA,
4 15 U.S.C. § 1692a(6).

5 26. The financial obligation allegedly owed by the Plaintiff is a “debt” as that
6 term is defined by the FDCPA, 15 U.S.C. § 1692a(5).

7 27. Defendant has violated the FDCPA in the following respects:

8 a. Defendant continued collection efforts against Plaintiff after
9 receiving a written notification that Plaintiff refused to pay the debt
10 being collected, in violation of 15 U.S.C. § 1692c(c).

11 28. Defendant’s acts as described above were done intentionally with the purpose
12 of coercing Plaintiff to pay the alleged debt.

13 29. As a result of the Defendant’s violation of the FDCPA, the Plaintiff is entitled
14 to an award of statutory damages, costs and reasonable attorneys fees, pursuant to 15 U.S.C. §
15 1692k.

16 **ROSENTHAL FAIR DEBT COLLECTION PRACTICES ACT**

17 30. Plaintiff brings the second claim for relief against Defendant under the
18 Rosenthal Fair Debt Collection Practices Act (“RFDCPA”), California Civil Code §§ 1788-1788.33.

19 31. Plaintiff repeats, realleges, and incorporates by reference paragraphs 1
20 through 48 above.

21 32. Plaintiff is a “debtor” as that term is defined by the RFDCPA, Cal. Civil Code
22 § 1788.2(h).

23 33. Defendant, T&K, is a “debt collector” as that term is defined by the RFDCPA,
24 Cal. Civil Code § 1788.2(c).

25 34. The financial obligation allegedly owed by the Plaintiff is a “consumer debt”
26 as that term is defined by the RFDCPA, Cal. Civil Code § 1788.2(f).

27 35. Defendant has violated the RFDCPA in the following respects:

28 a. Defendant continued collection efforts against Plaintiff after

1 receiving a written notification that Plaintiff refused to pay the debt
2 being collected, in violation of 15 U.S.C. § 1692c(c), as incorporated
3 by Cal. Civil Code § 1788.17.

4 36. Defendant's acts as described above were done willfully and knowingly with
5 the purpose of coercing Plaintiff to pay the alleged debt, within the meaning of Cal. Civil Code §
6 1788.30(b).

7 37. As a result of the Defendant's willful and knowing violations of the RFDCPA,
8 the Plaintiff is entitled to an award of a statutory penalty in an amount not less than one hundred
9 dollars (\$100) nor greater than one thousand dollars (\$1,000), pursuant to Cal. Civil Code §
10 1788.30(b).

11 38. As a result of the Defendant's violations of the RFDCPA, the Plaintiff is
12 entitled to an award of statutory damages pursuant to 15 U.S.C. § 1692k(a)(2)(A), as incorporated
13 by Cal. Civil Code § 1788.17.

14 39. As a result of the Defendant's violations of the RFDCPA the Plaintiff is
15 entitled to an award of her reasonable attorney's fees and costs pursuant to Cal. Civil Code §
16 1788.30(c) and 15 U.S.C. § 1692k(a)(3), as incorporated by Cal. Civil Code § 1788.17.

17 40. Pursuant to Cal. Civil Code § 1788.32, the remedies provided under the
18 RFDCPA are intended to be cumulative and in addition to any other procedures, rights or remedies
19 that the Plaintiff may have under any other provision of law.

20 **VIII. REQUEST FOR RELIEF**

21 Plaintiff requests that this Court:

- 22 a. Assume jurisdiction in this proceeding;
- 23 b. Declare that Defendant violated the Fair Debt Collection Practices Act, 15 U.S.C. §§
24 1692c(c);
- 25 c. Declare that Defendant violated the Rosenthal Fair Debt Collection Practices Act,
26 Cal. Civil Code § 1788.17;
- 27 d. Award Plaintiff statutory damages in an amount not exceeding \$1,000 pursuant to
28 15 U.S.C. § 1692k(a)(2)(A);

- 1 e. Award Plaintiff a statutory penalty in an amount not less than \$100 nor greater than
2 \$1,000 pursuant to Cal. Civil Code § 1788.30(b);
3 f. Award Plaintiff statutory damages in an amount not exceeding \$1,000 pursuant to
4 15 U.S.C. § 1692k(a)(2)(A), as incorporated by Cal. Civil Code §1788.17;
5 g. Award Plaintiff the costs of this action and reasonable attorneys fees pursuant to 15
6 U.S.C. § 1692k(a)(3) and Cal. Civil Code §§ 1788.17 and 1788.30(c); and
7 h. Award Plaintiff such other and further relief as may be just and proper.
8

9 CONSUMER LAW CENTER, INC.

10 By: /s/ Jovanna R. Longo *Jovanna Longo*
11 Jovanna R. Longo Esq.
12 Attorney for Plaintiff
13 LENORA GERALDINE ARAGON

14 **CERTIFICATION PURSUANT TO CIVIL L.R. 3-16**

15 Pursuant to Civil L.R. 3-16, the undersigned certifies that as of this date, other than the
16 named parties, there is no such interest to report.

17 /s/ Jovanna R. Longo *Jovanna Longo*
18 Jovanna R. Longo, Esq.

19 **DEMAND FOR JURY TRIAL**

20 PLEASE TAKE NOTICE that Plaintiff, LENORA GERALDINE ARAGON, hereby
21 demands a trial by jury of all triable issues of fact in the above-captioned case.

22 /s/ Jovanna R. Longo *Jovanna Longo*
23 Jovanna R. Longo, Esq.
24
25
26
27
28



2810 Southampton Road
Philadelphia PA 19154

ADDRESS SERVICE REQUESTED

TATE & KIRLIN ASSOCIATES
2810 Southam, n Road • Philadelphia, PA 19154
Toll Free (877) 982-0001 • (267) 407-0101

Yes, please remove this account
from my credit report (enclosed
is full payment)

Yes, I am settling this account
in full for \$811.42
(enclosed is \$811.42)

May 12, 2007

#BWNGZZ
#TY63DF9D18# 8365347-051
Lenora G Aragon
1470 Sanborn Ave
San Jose CA 95110-3615



Tate & Kirlin Associates
2810 Southampton Rd
Philadelphia PA 19154-1207



*** Detach Upper Portion and Return with Payment ***

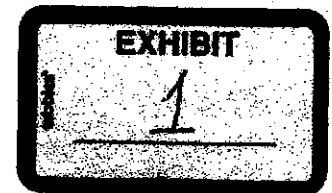
054522-TATE1051TY63DF9D18

Client: APPLIED CARD BANK
Client Ref #: 4227097367536005
Account #: 8365347
Balance: \$ 1622.84

SPECIAL OFFERS FROM APPLIED CARD BANK

Applied Card Bank is offering you two programs to help you satisfy your account.

1. CLEAR YOUR CREDIT PROGRAM
2. SETTLEMENT PROGRAM



CLEAR YOUR CREDIT Program: Applied Card Bank, formerly Cross Country Bank, has authorized us to extend to you their "Clear Your Credit" offer. Applied Card Bank will remove this account from your credit report once you have paid the balance in full. Please note that it may take up to 90 days after payment in full for your credit report to be updated.

SETTLEMENT Program: Applied Card Bank will accept 50% of your balance which is \$811.42 as settlement in full on your account.

Please note that these are two separate offers. If you wish to have your account removed from your credit report, you must pay the balance in full. The Clear Your Credit Program is separate from the Settlement Program.

Should you have any questions, please do not hesitate to contact our office at (877) 982-0001.

Yours truly,

Mark Brewer

This is an attempt to collect a debt and any information obtained will be used for that purpose. Tate & Kirlin Associates is a professional debt collection agency.

Change of Address: _____ City: _____ State: _____ Zip: _____
Home Telephone #: _____ Business Telephone #: _____

IF YOU WISH TO PAY BY VISA OR MASTERCARD (CIRCLE ONE) FILL IN
THE INFORMATION BELOW AND RETURN THE ENTIRE LETTER TO US



Account Number	Payment Amount	Expire Date
_____	_____	_____

Card Holder Name _____ Signature of Card Holder _____

REFUSE TO PAY LETTER

Tate & Kirlin Associates
Collection Agency's Name

2810 Southampton Rd.
Collection Agency's Address

Philadelphia, PA 19154

7-13-07
Today's Date

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

7005 3110 0000 4788 1335
Tracking Number

Re: Account No. 8365347

Dear Sir or Madam:

I have enclosed a copy of the last collection letter that you sent to me.

In this regard, please be advised that I dispute this debt and refuse to pay.

PLEASE MARK YOUR FILES ACCORDINGLY.

Trusting in your good offices, I remain . . .

Very Truly Yours,

Lenora Aragon
Sign your name here

Lenora Aragon
Print your name here

1470 Sanborn Ave.
Print your address here

San Jose, CA 95110

U.S. Postal Service™	
CERTIFIED MAIL™ RECEIPT	
(Domestic Mail Only; No Insurance Coverage Provided)	
For delivery information visit our website at www.usps.com	
OFFICIAL USE	
Postage	\$
Certified Fee	
Return Receipt Fee (Endorsement Required)	
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$
Sent To <u>Tate + Kirlin Associates</u> Street, Apt. No., or PO Box No. <u>2810 Southampton Rd.</u> City, State, ZIP+4 <u>Philadelphia, PA 19154</u>	
PS Form 3800, June 2002	





2810 Southampton Road
Philadelphia PA 19154

Document 1

2810 Southampton Road Philadelphia, PA 19154

Toll Free (877) 982-0001 • (267) 407-0101

ADDRESS SERVICE REQUESTED

May 12, 2007

#BWNGZZ
#TY63DF9D18# 8365347-051
Lenora G Aragon
1470 Sanborn Ave
San Jose CA 95110-3615



Yes, please remove this account
from my credit report (enclosed
is full payment)

Yes, I am settling this account
in full for \$811.42
(enclosed is \$811.42)

Tate & Kirlin Associates
2810 Southampton Rd
Philadelphia PA 19154-1207



*** Detach Upper Portion and Return with Payment ***

056522-TATE1051TY63DF9D18

Client: APPLIED CARD BANK
Client Ref #: 4227097367536005
Account #: 8365347
Balance: \$ 1622.84

SPECIAL OFFERS FROM APPLIED CARD BANK

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1. CLEAR YOUR CREDIT PROGRAM
2. SETTLEMENT PROGRAM

CLEAR YOUR CREDIT Program: Applied Card Bank, formerly Cross Country Bank, has authorized us to extend to you their "Clear Your Credit" offer. Applied Card Bank will remove this account from your credit report once you have paid the balance in full. Please note that it may take up to 90 days after payment in full for your credit report to be updated.

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Yours truly,

Mark Brewer

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Change of Address: _____ City: _____ State: _____ Zip: _____
Home Telephone #: _____ Business Telephone #: _____

IF YOU WISH TO PAY BY VISA OR MASTERCARD (CIRCLE ONE) FILL IN
THE INFORMATION BELOW AND RETURN THE ENTIRE LETTER TO US



\$

Account Number

Payment Amount

Expire Date

Card Holder Name

Signature of Card Holder

Tate and Kirlin Associates • 2810 Southampton Road • Philadelphia, PA 19154 • Toll free (877) 982-0001 • (267) 407-0101


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Track & Confirm

Track & Confirm

Search Results

Label/Receipt Number: 7005 3110 0000 4788 1335

Detailed Results:

- Delivered, July 19, 2007, 8:02 am, PHILADELPHIA, PA 19154
- Acceptance, July 16, 2007, 4:19 pm, SAN JOSE, CA 95113

[< Back](#)
[Return to USPS.com Home >](#)

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Enter Label/Receipt Number.

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SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
<ul style="list-style-type: none"> ■ Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. ■ Print your name and address on the reverse so that we can return the card to you. ■ Attach this card to the back of the mailpiece, or on the front if space permits. 	A. Signature X <i>Roger Kurlin</i> <input checked="" type="checkbox"/> Agent <input type="checkbox"/> Addressee B. Received by (Print Name) C. Date of Delivery JUL 19 2007 Is delivery address different from item 1? <input type="checkbox"/> Yes <input type="checkbox"/> No If YES, enter delivery address below:
1. Article Addressed to: Tate + Kirlin Associates 2810 Southampton Rd Philadelphia, PA 19154	3. Service Type <input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.
2. Article Number (Transfer from service label) 7005 3110 0000 4788 1335	4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1540

EXHIBIT

3



2810 Southampton Road
Philadelphia PA 19154

ADDRESS SERVICE REQUESTED

TATE & KIRLIN ASSOCIATES

2810 Southampton Road • Philadelphia, PA 19154
Toll Free (877) 982-0001 • (267) 407-0101

Yes, please remove this account
from my credit report (enclosed
is full payment)

Yes, I am settling this account
in full for \$811.42
(enclosed is \$811.42)

August 22, 2007

#BWNKGZZ
#TY6F29C5E9# 8365347-051
Lenora G Aragon
1470 Sanborn Ave
San Jose CA 95110-3615



Tate & Kirlin Associates
2810 Southampton Rd
Philadelphia PA 19154-1207



*** Detach Upper Portion and Return with Payment ***

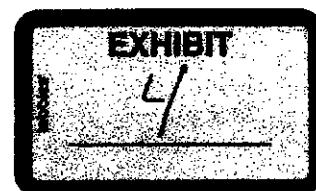
000917-TATE1081TY6F29C5E9

Client: APPLIED CARD BANK
Client Ref #: 4227097367536005
Account #: 8365347
Balance: \$ 1622.84

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2. SETTLEMENT PROGRAM



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Mark Brewer

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Change of Address: _____ City: _____ State: _____ Zip: _____
Home Telephone #: _____ Business Telephone #: _____

IF YOU WISH TO PAY BY VISA OR MASTERCARD (CIRCLE ONE) FILL IN
THE INFORMATION BELOW AND RETURN THE ENTIRE LETTER TO US



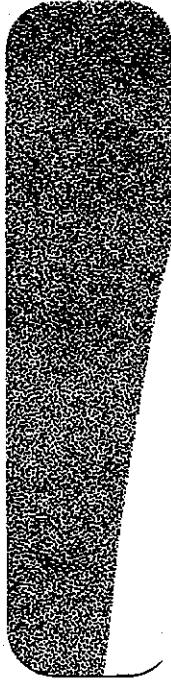
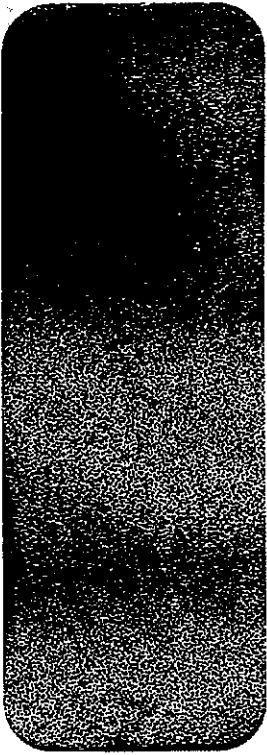
Account Number

Payment Amount

Expire Date

Card Holder Name

Signature of Card Holder



PRESORTED
FIRST CLASS



ATKINS BOWEN
US POSTAGE
\$00.334
AUG 24 2007
ZIP 00946
21 274056

I. (a) PLAINTIFFS

DEFENDANTS

TATE & KIRLIN ASSOCIATES, INC.

County of Residence of First Listed Defendant

(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE LAND INVOLVED.

(c) Attorney's (Firm Name, Address, and Telephone Number)

Attorneys (If Known)

C08

02819

E-FILED
IRS

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

☐ 1 U.S. Government Plaintiff

☒ 3 Federal Question
(U.S. Government Not a Party)

☐ 2 U.S. Government Defendant

☐ 4 Diversity
(Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff
(For Diversity Cases Only) and One Box for Defendant)

	PTF	DEF		PTF	DEF
Citizen of This State	<input type="checkbox"/> 1	<input type="checkbox"/> 1	Incorporated <i>or</i> Principal Place of Business In This State	<input type="checkbox"/> 4	<input type="checkbox"/> 4
Citizen of Another State	<input type="checkbox"/> 2	<input type="checkbox"/> 2	Incorporated <i>and</i> Principal Place of Business In Another State	<input type="checkbox"/> 5	<input type="checkbox"/> 5
Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 6

IV. NATURE OF SUTT (Place an "X" in One Box Only)

CONTRACT		TORTS		FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury	PERSONAL INJURY <input type="checkbox"/> 362 Personal Injury—Med. Malpractice <input type="checkbox"/> 365 Personal Injury —Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 610 Agriculture	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark	<input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input checked="" type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes	
<input type="checkbox"/> 120 Marine			<input type="checkbox"/> 620 Other Food & Drug			<input type="checkbox"/> 630 Liquor Laws
<input type="checkbox"/> 130 Miller Act			<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881			<input type="checkbox"/> 640 R.R. & Truck
<input type="checkbox"/> 140 Negotiable Instrument			<input type="checkbox"/> 650 Airline Regs.			<input type="checkbox"/> 660 Occupational Safety/Health
<input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment			<input type="checkbox"/> 690 Other			
<input type="checkbox"/> 151 Medicare Act						
<input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans)						
<input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits						
<input type="checkbox"/> 160 Stockholders' Suits						
<input type="checkbox"/> 190 Other Contract						
<input type="checkbox"/> 195 Contract Product Liability						
<input type="checkbox"/> 196 Franchise						
			LABOR	SOCIAL SECURITY		
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 440 Other Civil Rights	PRISONER PETITIONS <input type="checkbox"/> 510 Motions to Vacate Sentence Habeas Corpus: <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition	<input type="checkbox"/> 710 Fair Labor Standards Act	<input type="checkbox"/> 861 HIA (1395ff)		
			<input type="checkbox"/> 720 Labor/Mgmt. Relations	<input type="checkbox"/> 862 Black Lung (923)		
			<input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act	<input type="checkbox"/> 863 DIWC/DIWW (405(g))		
			<input type="checkbox"/> 740 Railway Labor Act	<input type="checkbox"/> 864 SSID Title XVI		
			<input type="checkbox"/> 790 Other Labor Litigation	<input type="checkbox"/> 865 RSI (405(g))		
			<input type="checkbox"/> 791 Empl. Ret. Inc. Security Act			
			IMMIGRATION	FEDERAL TAX SUITS		
			<input type="checkbox"/> 462 Naturalization Application	<input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant)		
			<input type="checkbox"/> 463 Habeas Corpus - Alien Detainee	<input type="checkbox"/> 871 IRS—Third Party 26 USC 7609		
			<input type="checkbox"/> 465 Other Immigration Actions			

V. ORIGIN (Place an "X" in One Box Only)

☒ 1 Original Proceeding ☐ 2 Removed from State Court ☐ 3 Remanded from Appellate Court ☐ 4 Reinstated or Reopened ☐ 5 another district (specify) ☐ 6 Multidistrict Litigation ☐ 7 Judge from Magistrate

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):

Federal Fair Debt Collection Practices Act, 15 U.S.C. sec 1692, et seq

Brief description of cause:

Unlawful debt collection practices

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23

CHECK YES only if demanded in complaint:

JURY DEMAND: ☒ Yes ☐ No

**VIII. RELATED CASE(S)
IF ANY**

**PLEASE REFER TO CIVIL L.R. 3-12 CONCERNING REQUIREMENT TO FILE
"NOTICE OF RELATED CASE".**

IX. DIVISIONAL ASSIGNMENT (CIVIL L.R. 3-2)
(PLACE AND "X" IN ONE BOX ONLY)**☐ SAN FRANCISCO/OAKLAND** **SAN JOSE**

DATE _____

SIGNATURE OF ATTORNEY OF RECORD

^E May 19, 2008

SIGNATURE OF ATTORNEY OF RECORD
Jovanna Longo